

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

FILED
BILLINGS DIV.

2009 OCT 14 PM 2 18

PATRICK E. DUFFY, CLERK

BY
DEPUTY CLERK

RICHARD ROUSAY,

Plaintiff,

vs.

PRESIDENT BARACK OBAMA,

Defendants.

CV-09-100-BLG-RFC

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS OF
U.S. MAGISTRATE JUDGE**

On August 24, 2009, United States Magistrate Judge Carolyn Ostby entered Findings and Recommendation. Magistrate Judge Ostby recommends this Court dismiss Plaintiff's complaint.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the August 24, 2009 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to

review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

This Court is not the proper venue for this action. Venue for a civil rights suit under Section 1983 lies "only in the judicial district where all defendants reside, or in which the complaint arose. . ." See 28 U.S.C. § 1391(b). President Obama resides in Washington, D.C. and all the events giving rise to the action arose in the State of California. Therefore, venue for this suit does not lie in this Court.

Title 28 U.S.C. § 1406(a) provides that "the district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." In this case, after considering all of the circumstances, including Plaintiff's history of litigation in California courts and the limited scope of judicial inquiry into immigration legislation, it is not in the interests of justice to transfer this matter.

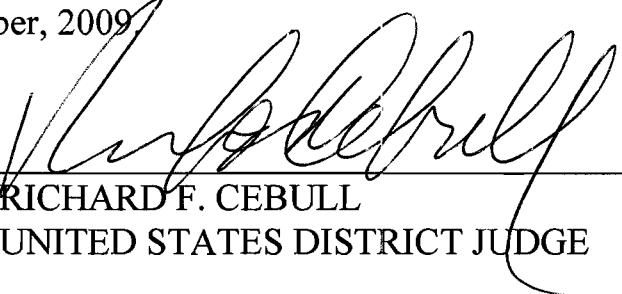
Accordingly, **IT IS HEREBY ORDERED** Plaintiff's Complaint is **DISMISSED**, pursuant to 28 U.S.C. § 1406(a).

The Clerk of Court is directed to enter by separate document a judgment of dismissal.

The Clerk of Court is directed to have the docket reflect that the Court **CERTIFIES** pursuant to Fed.R.App.P. 24(a)(3)(A) that any appeal of this decision would not be taken in good faith.

The Clerk of Court shall notify the parties of the making of this Order.

DATED the 14th day of October, 2009



RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE